

## UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Joshua Ray Rivera

Date of Original Judgment: 10/27/2021

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: 0419 3:20CR00281-001USM No: 35012-058

Pro se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:


☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 168 months **is reduced to** 151 months.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 11/2/2021, shall remain in effect.

**IT IS SO ORDERED.**

Signed: May 21, 2024

  
Frank D. Whitney  
United States District Judge

Effective Date: \_\_\_\_\_

(if different from order date)

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

DEFENDANT: Joshua Ray RiveraCASE NUMBER: 0419 3:20CR00281-001DISTRICT: Western District of North Carolina**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**Previous Total Offense Level: 31Amended Total Offense Level: 31Criminal History Category: VCriminal History Category: IVPrevious Guideline Range: 168 to 210 monthsAmended Guideline Range: 151 to 188 months**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)**

Defendant is eligible for a sentence reduction under Amendment 821 to the United States Sentencing Guidelines because his original criminal history score included two “Status Points.” Under amended § 4A1.1(e) of the Guidelines, Defendant scores only one “Status Point” instead of two, dropping his criminal history category from V to IV. Further, the Court finds an amended sentence of 151 months is sufficient but not greater than necessary to serve the purposes of sentencing under 18 U.S.C. § 3553(a).